

MEMORANDUM

DATE: March 27, 2008

TO: Ms. Sharon L. Summers, DSS
Policy and Program Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 11 DE Reg. 1196 [Proposed Child Care Subsidy Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to adopt a few clarifying amendments to its child care subsidy program regulations published as 11 DE Reg. 1196 in the March 1, 2008 issue of the Register of Regulations. As background, the CCDBG program is funded by the federal government through the Child Care and Development Block Grant with regulations published at 45 C.F.R. Parts 98 and 99. See §11002.9E of the DSS regulations. The federal regulations require states to establish and periodically revise a sliding fee scale based on income and family size. See 45 C.F.R. §98.42. The latest DSS child care gross income limits are based on 200% of the federal poverty level. See §11002.9AA. The amendments are as follows.

1) In §11003.5, DSS proposes to clarify that domestic services workers must be paid the federal minimum wage. This is accurate. Consistent with the attached U.S. DOL fact sheet, domestic workers are covered by the federal minimum wage law. In contrast, the Delaware minimum wage law does not apply to domestic workers. See Title 19 Del.C. §901(3). Parenthetically, the State minimum wage is currently 7.15/hour while the federal minimum wage is currently \$5.85/hour. By July 24, 2009, there will be little difference between the State and federal minimum wages since the federal minimum wage will increase to \$7.25/hour.

2) In §11002.9Q, DSS defines employment as “wages equal to the federal minimum wage or an equivalent”. This does not appear objectionable.

The Council did not identify any concerns with the proposed changes.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

cc: Ms. Elaine Archangelo
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

P&I/11reg1196 dss-child care 3-08